IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6011 OF 2003

Virendra Radhakrishna Bobade .. Petitioner.
Vs.
Anjali Virendra Bobade .. Respondent.

Mr.R.M.Haridas with Mr.Pramod N.Joshi for the petitioner.
Mr.M.S.Karnik for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 22ND SEPTEMBER, 2004

P.C.:

. Heard Mr.Haridas, learned counsel for the petitioner and Mr.Karnik, learned counsel for the respondent.

2. The petitioner has challenged the order dated 19.7.2003 passed by the Joint Civil Judge, Senior Division, Nashik below Exhibit-9 in H.M.P.No148/1996 by which the application for interim maintenance has been allowed and the petitioner-husband has been directed to pay Rs.700/- p.m. to the respondent-wife and Rs.500/- p.m. each to his two children from the date of the application till disposal of the case. Mr.Haridas, learned counsel for the petitioner assailed the findings on the grounds that the amount of Rs.800/-

being paid, per month, in pursuance of the order in the proceedings under section 125 of Criminal Procedure Code, was not taken into account while passing the impugned order. I perused the interim order. It shows that the learned Judge was conscious of the order passed in the proceedings under section 125 of Cr.P.C. A categoric findings has been recorded that the wife has no income as alleged by the petitioner-husband. Keeping that in view no interference is called for in the impugned order. In my opinion, the interest of justice will be served by giving directions to the trial court to dispose of H.M.P.No.148/1996 within six months from today. Order accordingly. The petitioner to produce a copy of this order before the learned Judge within two weeks from today. In so far as the amount deposited by the petitioner in this court is concerned, the respondent-wife is allowed to withdraw the same. The trial court shall decide the main petition within time frame, as aforestated, on merits in accordance with law. In so far as issue of maintenance is concerned, the same may be considered uninfluenced by the observations made in this order and the order impugned in the petition. The petition is disposed of.

(D.B.Bhosale, J.)